

The preservation of heritage properties history essay



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The preservation of heritage properties is an important undertaking. It is so important that even the United Nations has set up a subsidiary responsible for this purpose called the United Nations Educational, Scientific and Cultural Organization. This organization declares cultural sites from around the world as being protected in order to preserve global heritage. Similarly, Canada has organizations that are dedicated to the preserving national heritage. This function is important because this helps foster a strong sense of national identity. Another reason these sites are preserved are to encourage tourism. Canadian history is important to all Canadians and all the other nationalities that live in Canada. The stories that are told by these structures do not always depict Canada in a positive light, but that is not the point. They are important because they are the reason we are where we are and without them we would lose a critical element of our identity. Heritage sites need to actively be preserved so that they do not fall into disrepair, this means that funds need to be allocated towards this and the money for these programs come from Canadian tax dollars. As we all pay for the maintenance of these structures, we all has a financial vested interest in their maintenance in addition to our national pride. Organizations that have the specific purpose of maintaining heritage sites are needed because these sites need to be protected from incursion, in the same fashion that natural preserves need to be protected from human encroachment. As a city's population density increases so too does the threat that these heritage sites may be erased to cope with the expanding population. Exacerbating the issue of space is the fact that many of these structures are on prime real estate. This must cause conflicts with city developers who would much rather have buildings that

foster economic growth built in the place of these culturally significant structures.

Politics

The political impetus that led to the creation of Historic Sites and Monuments Board of Canada was initially given by Canada's first commissioner of national parks - James Bernard Harkin. In addition to preventing corporations mining resources from national parks, it was his recommendation that led to the creation of the Historic Sites and Monuments Board of Canada in 1919. The organization's role was to advise the Canadian Minister of the Environment about sites that are of national interest. The current political landscape with respect to Canadian heritage is very diverse. The organizations that are responsible for preserving these heritage sites are differentiated on the level of government that they represent. The Historic Sites and Monuments Board of Canada (HSMBC) is the federal organization that is responsible for promoting and showcasing Canadian heritage sites. Their mandate is very narrow, unlike other Canadian organizations (mainly provincial and municipal), the HSMBC is not provided the power that would allow it to preserve the national sites in question. The HSMBC plays more of an advisory role in this respect; they take a more laissez faire approach to the problem. The HSMBC itself says that they are there to bring cultural sites to the attention of the Canadian public and to the provincial and municipal authorities that have the legal power to preserve these sites. The aforementioned body of the United Nations - UNESCO, plays a similar role in Canada. There are sites in Canada that have been declared as belonging to a group of world heritage sites and while the

United Nations has very limited powers pertaining to the preservation of these sites. At the municipal level there are public organizations like the city of Toronto's Heritage Preservation Services whose mandate is to advise the city council on matters that are important to the city's historic cultural sites. On the provincial level there are organizations like the Ontario Heritage Foundation which is tasked with identifying, preserving and promoting sites of cultural importance in Ontario.

The Ontario Heritage Act is the legal framework that empowers Heritage organizations in Ontario to preserve the sites that are deemed to be culturally and historically important. This Act gave the power to provincial and municipal governmental bodies the right to designate specific areas as being culturally integral to Canada's identity. The act limits the rights of the owners of the properties that are designated as heritage sites. They are only able to alter the site or demolish it with the appropriate permission from the local municipality. This is the highly controversial part of the Act. In a democracy where property rights are for the most part assured it is unconventional to prevent an individual from doing what they like to their own property within reason. The Act seems to mirror the notwithstanding clause in the Canadian constitution. This clause is used by the government to infringe upon the rights given to Canadian citizens by the Charter of Rights and Freedoms when doing so will serve the greatest good. Similarly, the Ontario Heritage Act inconveniences and limits the rights of the owners of historic structures so that they may be of the most benefit to all Canadian citizens. It is because of this that all Canadians have an interest in the preservation of these structures. The individuals against these policies are

typically the individuals who own the properties that fall under the restrictive laws.

One of the groups that have arisen to encourage the preservation of sites in Toronto is the Toronto Historical Association. They are composed entirely of volunteers and serve to educate the public about their efforts and to showcase the areas that are of interest. They also claim to provide mayoral candidates with a public forum which helps the organization lobby its case. The volunteer organization is only able to influence events because of its fundraising abilities; it provides workshops for its members that teach them how to perform this essential role. Workshops are also held to train members on how to organize their efforts and on how to communicate to their community to garner support. The organization also teaches its members to leverage their political position by writing letters, meeting with local politicians, resident groups and scheduling appearances before government committees. The Toronto Historical Association encourages their members to help mobilize the public by informing them and helping them find information about their family history and issues about land registration. Members also perform a number of volunteer services for the community, including but not limited to tours and heritage walks.

The law was on side of the individuals who owned the heritage sites designated by the municipality or province. The law initially was not as severe towards these people as it is now. In its original form the law did not require a property owner to abide by the municipality's or province's wishes.

The law only required the individual with the property rights to wait for six months and attend meetings with city representatives so that everyone

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could come to an amicable solution. The laws was created with the best of intentions as the government did not seek to snatch the rights away from these individuals so they only created a period within which the owners would be required to listen to reason. Instead of having its intended effect all the law did was to postpone the destruction or alteration of heritage sites. The proprietors would just have to wait out the 180 days and they would be free to legally do whatever they wanted with their property. On observing this the provincial government of Ontario decided that they needed to give the law teeth. They made it so that the proprietor would not be allowed to do as they wished once the time had lapsed and that a settlement needed to be reached for the owner to make modifications to the protected building. It is difficult for these individuals because they are placed in a precarious position by the law and because of the unwanted attention such a position would bring.

Intergovernmental Relations

The federal government is responsible for the overall direction that the heritage organizations in Canada take. Heading the Canadian position on heritage sites is the Minister of Canadian Heritage. His job is to support Canadian media, arts, heritage and sport. These responsibilities are somewhat overlapped with the Minister of the Environment who is also responsible for the maintenance of heritage sites. They are the ones who are able to designate sites as being culturally or historically sensitive. Following this the government gives the power to the province in the form of acts that are designed to give the provinces the power they need to deal with these problems themselves. The provinces in turn give their municipalities powers

not dissimilar from those at the federal level. At the municipal level the municipal government has bodies that are able to assign sites of interest as being heritage sites; they typically follow the direction set out by the ministers but are able to actually stop an individual from modifying or destroying a site of cultural heritage. Once this is done the provincial department is the one that has the ultimate say in the matter. When the proprietor of the property in question appeals the decision made by the municipal board they are appealing to the provincial board. When this committee makes their decision, it is ultimately this decision that is enforced. Federal policies set the stage for the provincial and municipal authorities to act. It would be foolish to think that the federal level of influence would end here, there is undoubtedly a significant amount of political pressure exerted from the ministers and their offices and this must make it to the top of the priority list on the provincial and municipal levels. While this may seem odd, it would be a very practical measure as losing some of the more important sites could become a source of national embarrassment. Both the Toronto and Ontario Heritage conservation bodies are designed to make full use of the laws that are made available to them, the most notable of which is the Ontario Heritage Act.

Case Analysis

Toronto is a city that is known for its cosmopolitan nature and its deep rooted artistic culture. It is home to the Toronto Opera House, innumerable other vocal artist studios, painting galleries, dance studios and even a plethora of restaurants. The Heritage Preservation Services (HPS) are responsible for the preservation of buildings that are important to

Torontonian and Canadian heritage. It is part of the city's planning division and is responsible for the preservation of over 8,000 different properties. This organization is even empowered by the Ontario Heritage Act enough that it is able to designate entire areas as being Heritage Conservation Districts. In an effort to be more amenable to the property owner affected by HPS decisions, Heritage Easement Agreements are made between property owners and the city. These contracts identify parts of a building that are to be retained undamaged regardless of the owner's improvements or alterations to the property. In addition the laws that designate that a certain building need be conserved do not affect the title of the property. The owners are free to sell the property according to their wishes regardless of the status of their building. The city does provide grants for the owners of these historic properties that can pay for up to half the upkeep of said property. In addition to this, the owners are also eligible for a for tax benefits that can provide up to 40% relief from municipal taxes. These funds are set up to mitigate the negative and authoritarian impact of having property that the Heritage Preservation Services is interested in.

An example of a structure that is protected by Toronto's Heritage Preservation Services is the MacLean House located on 7 Austin Terrace. This house is a ten part rental unit that has been designated as a heritage site by HPS. The owner of the site wanted to demolish the building and sent an application to do so to the city. Upon the advice of HPS the city council denied the acquiescing to the owners wishes. John Bayne Maclean lived in this home until his death, he was responsible for founding Canada's MacLean's magazine and the Financial Post. City staff was employed to

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ensure that the house did not suffer from neglect after the rulings that ensured the structure stayed in good condition. The importance given to the house is mainly due to the people that were involved in the history of the building. The publishing company founded by John Bayne Maclean was the largest of its kind, not only in Canada, but in the entire commonwealth. John M. Lyle was the architect of this building and he was responsible for the building of notable structures, including the Royal Alexandra Theatre. In 1922 He won the Gold Medal of Honor from the Ontario Association of Architects on account of the design he made for the Thornton-Smith Building. Thornton went on to become the president of the Art Gallery of Ontario. MacLean and Lyle were two of Toronto society's key figures. Their efforts have helped to make indelible marks on Toronto culture and even Canada itself. The building itself was constructed in 1910 making the building over a hundred years old. The notice declaring 7 Austin Terrace a heritage site came on January 27th last year. The notice informed the landlord that if they objected to the building's designation as a heritage site that they should appeal this within thirty days of the notice. Despite having rejected the owner's application for demolition, neither the city council nor the Heritage Preservation Services have the absolute right to deny all landlords the right to demolish heritage sites. They have to comply with applications depending on the owner's proposal for the structure that will replace the building to be demolished and have to be in line with city bylaws. In the case of the MacLean house the application was to build a smaller housing unit and this was rejected by the city council as it was not in keeping with the neighborhood. This was in addition to the status given to the site by the HPS.

Recommendations

While the Toronto procedure for maintaining its cultural integrity is well thought out, there are still problems with this system. The first problem that comes to mind is the authoritarian nature of the current system. Under the current management, the owner is told that the building is a heritage site and has thirty days to appeal this label. Following that the owner has to file for permission by the city council to make modifications to this property. Instead of telling the owner what the situation is through a letter the government should have to send a representative to meet with the individual and discuss the issue with them. Following this if an agreement cannot be reached then more authoritarian measures should be taken. The point of this change would be to place the onus of change solely on the shoulders of the city. The owner is a single individual and should not be expected to carry the burden of having to appeal to the city to change the designation of the property that was legally bought. The owner should be able to meet with a city representative and explain to them that they want to appeal the city's classification of the property and the representative should be the one who has the responsibility to file the appeal. This would ensure that the proprietor wouldn't have the additional expense of requiring a lawyer to draft a letter or the inconvenience of having to waste time pushing the paperwork through the system. The city has provisions by which they are able to give certain monetary allowances to the owners of the homes that are inconvenienced by the city. In the interests of evenhandedness the city council should readily make this financial relief available for those that are inconvenienced by the city instead of having them apply for it. The province did well to retain the final authority on the matter as this prevents individual interests from

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competing on a level playing field with the interests of the nation as a whole. While it is true that the maintenance of an individual's rights are critically important for the functioning of any democratic nation, it is also true that there are times (not often) when these rights need to be set aside for the greater good. an example of this would be in the building of a bridge, if there are owners of the houses that are in the way of such a construction then they are compensated but for all practical purposes forcefully evicted from their homes so that society can benefit from the construction of the bridge. It is the same concept when it comes to heritage and cultural identity. When the presence of a building or even district serves a cultural and historic purpose, it would be ill advised to squander this based on the whims of the individual who owns the property.

Any municipality would benefit from adopting many of the policies set in place by the Toronto municipality as they try to balance the individual's rights alongside those of the nation. While the nation should ultimately preserve its physical history, it should not trample the rights of its citizens in the process. The few alterations that should be made to these rules are to placate the injured party, which in this case always happens to be the individual who owns the property whose rights are being narrowed. If the municipality wishes for a structure to be maintained against the wishes of its rightful owner, the city should have to bear a significant portion of the costs associated with the upkeep of the property it has set its eyes on. The money that is required for this should come from donations and tax dollars as is the current arrangement made by the city of Toronto. History is important

because it brings us all together and this is a cornerstone of nationhood that should be protected by every country and culture.

<http://www.toronto.ca/heritage-preservation/index.htm>

<http://www.pc.gc.ca/eng/clmhc-hsmbc/ressources-resources/protection.aspx>

<http://www.heritagefdn.on.ca/>

<http://www.nationalpost.com/Fight+stop+Hearn+demolition/3978609/story.html>

http://www.toronto.ca/involved/statutorynotices/archive2010/jan/hl_012710.htm

[ca/involved/statutorynotices/archive2010/jan/hl_012710.htm](http://www.toronto.ca/involved/statutorynotices/archive2010/jan/hl_012710.htm)

is to preserve structures and monuments that are important to the history of the Canadian nation, these monuments would otherwise be neglected, or even worse, they would be destroyed to make way for housing or other building projects.